

**ORIGINAL**  
LAWLER, METZGER & MILKMAN, LLC

1909 K STREET, NW  
SUITE 820  
WASHINGTON, D.C. 20006

GIL STROBEL  
PHONE (202) 777-7728

**RECEIVED**

**NOV 30 2001**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

PHONE (202) 777-7700  
FACSIMILE (202) 777-7763

November 30, 2001

**BY HAND**

**EX PARTE OR LATE FILED**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: CC Docket Nos. 96-45, 98-~~171~~, and 90-571  
CC Docket Nos. 92-237, 99-200, and 95-116  
NSD File No. L-00-72  
*Ex Parte Presentation*

Dear Ms. Salas:

On November 29, 2001, Mary Brown of WorldCom, Inc. (WorldCom), Richard Metzger of Lawler, Metzger and Milkman, counsel to WorldCom, Patrick H. Merrick and Joel Lubin of AT&T Corp., Brian Moir of Moir & Hardman, counsel to the eCommerce Telecommunications Users Group and Colleen Boothby of Levine Blaszak Block & Boothby, counsel to the Ad Hoc Telecommunications Users Committee met with Kyle Dixon, Legal Adviser to Chairman Powell to discuss the need to revise certain aspects of the Commission's existing universal service rules. At the meeting, the parties provided Mr. Dixon with the enclosed document.

Consistent with the Commission's rules, an original and thirteen copies of this letter are being provided to you for inclusion in the public record of the above-referenced proceedings.

Sincerely,

  
Gil Strobel

Enclosure

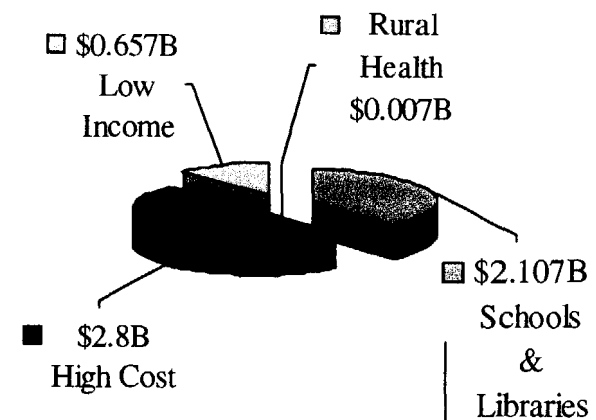
cc: Kyle Dixon (w/o enclosures)

# **Revise the Universal Service Collection Mechanism : Make It Simple, Fair, and Cheaper for Consumers**

Coalition Proposal by Ad Hoc  
Telecommunications Committee,  
AT&T, e-TUG, and WorldCom

# **Federal Universal Service Fund : \$5.5 Billion per Year**

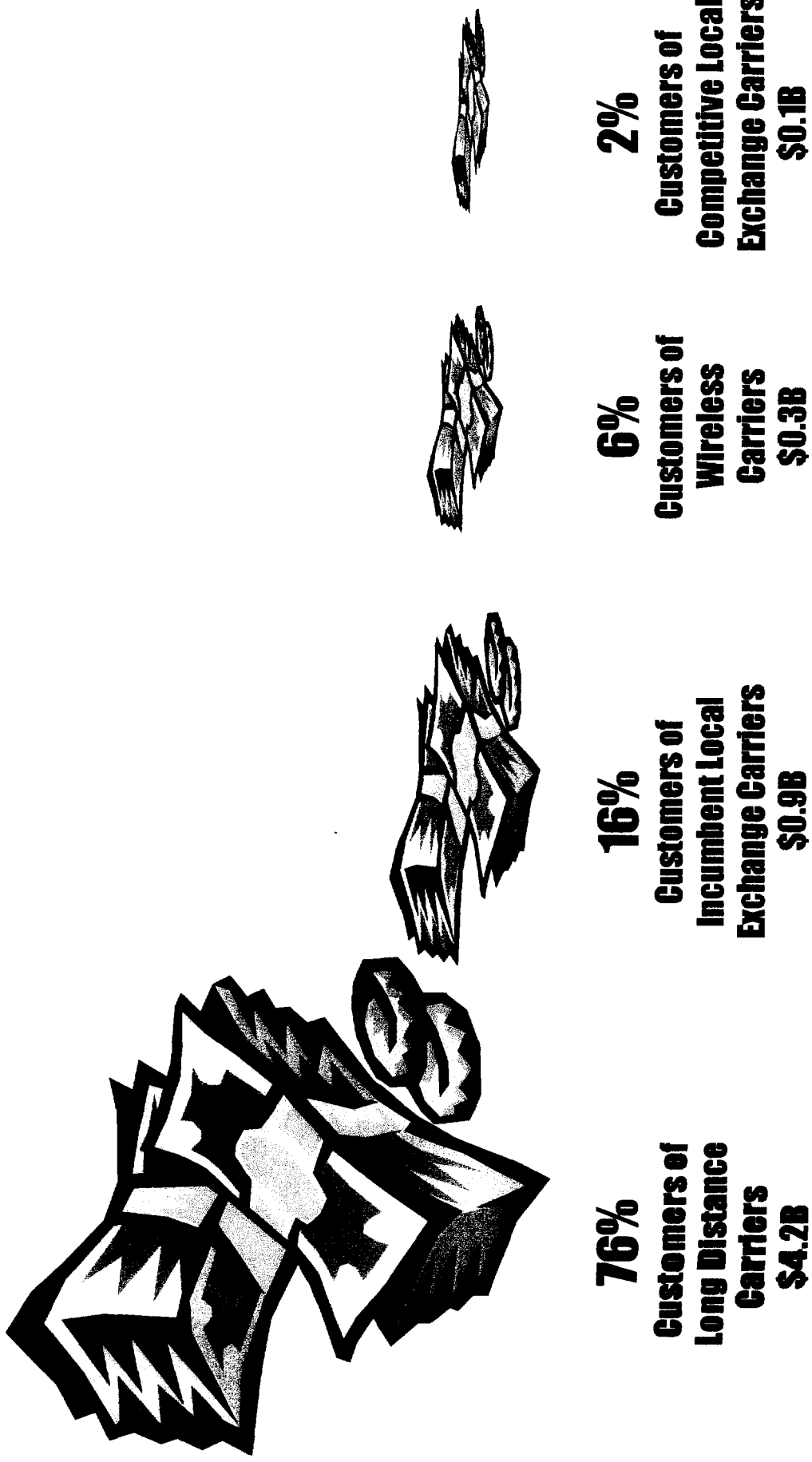
- **High cost fund keeps rural rates affordable**
- **Low income households receive inexpensive Lifeline service and discounts for initial connection charges**
- **Schools and libraries receive e-rate discounts for equipment, wiring, and Internet connectivity**
- **Rural health care providers receive telecom discounts for telemedicine applications**



# **\$5.5B Fund Will Continue to Grow**

- **Bush administration projects \$7.9 billion by 2006**
- **“MAG” plan will increase USF between \$300-\$400m a year**
  - **Effective 7/1/02**
- **FCC opens proceeding on low income household participation**
- **FCC opens proceeding on expanding implementation of section 254 to include advanced services**
- **Remand of FCC’s Ninth R&O creates risk of larger fund**
- **Fund could increase further if more customers in high cost areas acquired multiple lines**

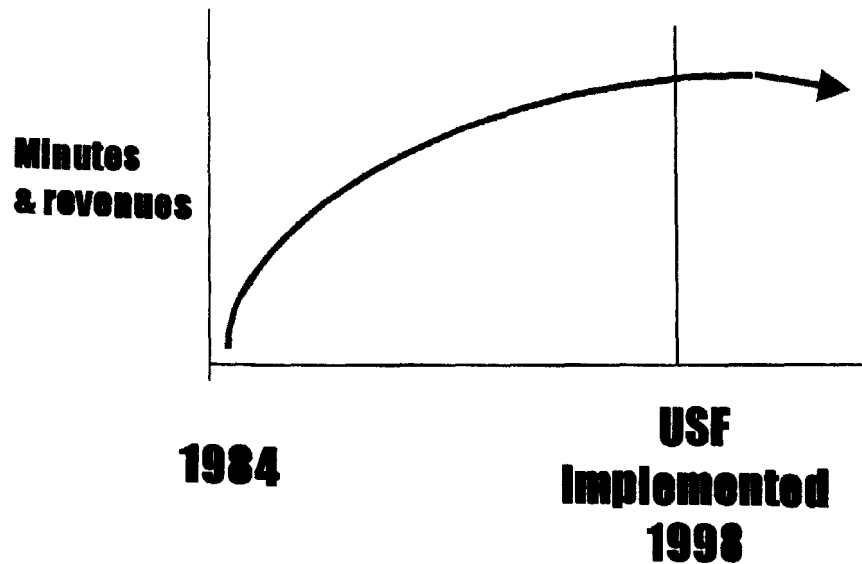
# Who pays the \$5.5 billion? Customers!



## **How does the universal service fee appear on monthly customer bills?**

- **Long distance customers: a percentage charge on revenues, in 8-9.9% range**
- **ILEC customers: a per line charge, typically in the range of \$0.35-\$0.50**
- **Wireless customers: a per line charge, typically in the range of \$0.40-\$0.53**

# Fundamental change has occurred in the long distance market



- Long distance voice revenues and interstate switched minutes are in sustained decline
- Glut in long-haul capacity put substantial downward pressure on prices
- Wireless successfully substituting for traditional long distance service
- Instant messaging and e-mail also are substitutes
- Future: Voice on Internet

# **Revenue-based system has measurement problems**

- **Wireless carriers sell blocks of minutes, and cannot distinguish interstate from intrastate revenues**
  - **Use “default” allocator that understates interstate usage**
- **Most industry experts agree that carriers will increasingly sell certain “bundles” of interstate and intrastate services, CPE, enhanced services**



# **Coalition Proposal**

- **Eliminate revenue-based assessment**
- **Replace with a connections and capacity assessment on the interstate telecommunications provider that “owns” the end user customer**

## **Coalition proposal: residential**

- **USAC to assess carriers based on wireline and wireless interstate connections**
  - **\$1 per connection per month**
  - **Lifeline assessed nothing**
- **Pagers assessed at \$0.25 per month**

# **Coalition proposal: business**

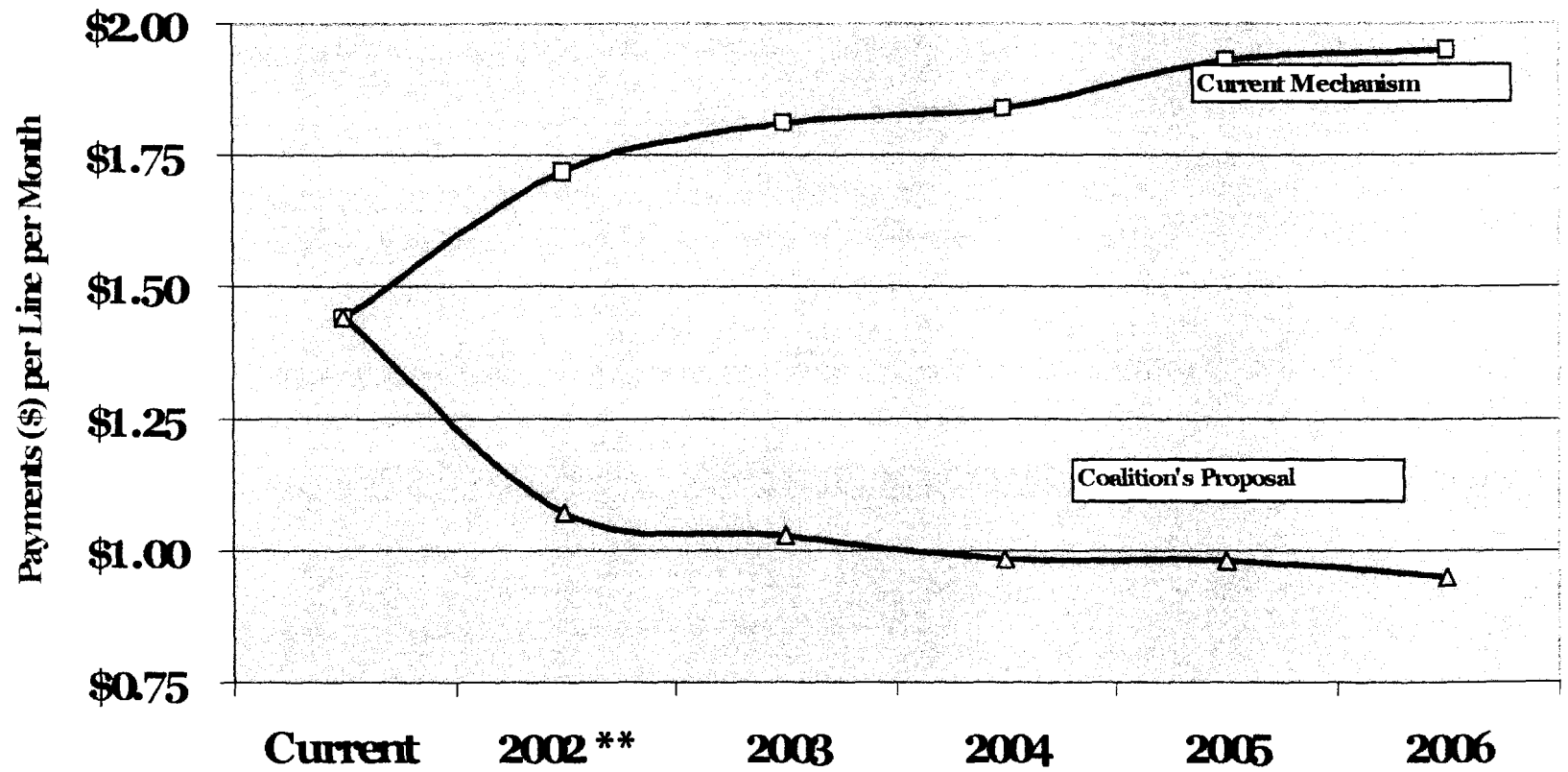
- **USAC assesses on interstate network connections and capacity**
  - **Single-line business (wireline) at \$1; wireless at \$1; pagers at \$0.25**
  - **Residual multi-line business (wireline) base charge \$2.50 - \$3.25:**

<u>Level</u>	<u>Facility Capacity</u>	<u>USF Contribution Rate</u>
1	Less than 1.544 Mb/s	Base multi-line business USF charge
2	1.544 Mb/s (T-1) up to 45 Mb/s	5 X (base MLB USF charge)
3	45 Mb/s (DS-3) or greater	40 X (base MLB USF charge)

# **Who pays under the coalition's plan?**

- **Carrier who “owns” the customer for the purpose of providing the connection is assessed**
  - **ILECs based on loops provided to their end users (loops are legally considered interstate, as well as intrastate)**
  - **Competitors who provision end users from their own loop facilities, via UNE-P or unbundled loop, or using interstate special access**
  - **Wireless carriers based on the number of “connections” (more easily counted than interstate revenues)**
  - **Future increases borne by all customers**

## Residential USF Contribution Scenarios



—□— Current Mechanism\* (\$1.44 is the average residential payment today)

—△— Coalition's per line proposal

\* The Current Mechanism is a combination of "LEC Collection per Line" and "LD Collection Based on % of Customers Interstate and International Revenue"

\*\* Reflects increases associated with the MAG Order (e.g. Interstate Common Line Support, SLC Increases)

# **Coalition Plan: Transition Year**

- **Immediate implementation for residential**
- **But plan requires billing systems development that will take 12 months**
  - **Option 1: USF requirement minus known per line charges, divided by number of multiline business lines (MLB as residual)**
  - **Option 2: First take USF requirement minus known per line charges. For residual, apply Commission prescribed surcharge factor to private line revenues, including retail end user special access. Residual of that amount recovered from MLB charges**

# **Proposal complies with the Act**

- **Upon whom should the obligation to contribute to universal service fall?**
  - **“All interstate telecommunications providers”**
- **How should contribution be apportioned among interstate telecommunications providers?**
  - **Not prescribed by the statute; assessment must be equitable and nondiscriminatory**
- **No conflict with 5<sup>th</sup> Circuit decision**